

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

QJ TEAM, LLC, et al.,
individually and on behalf of
all other persons similarly situated,

Plaintiffs,

V.

**TEXAS ASSOCIATION OF
REALTORS, INC., *et al.*,**

Defendants.

CIVIL ACTION NO.
4:23-cv-01013-SDJ

CLASS ACTION

**NOTICE OF PENDING SETTLEMENT AND UNOPPOSED MOTION TO
STAY PROCEEDINGS AS TO NAR-AFFILIATED DEFENDANTS**

Defendants ATX WIR LLC; Austin Board of Realtors®; Austin/Central Texas Realty Information Service; Central Texas Multiple Listing Service, Inc.; CitiQuest Properties, Inc.; Fort Hood Area Association of Realtors®, Inc.; Four Rivers Association of Realtors®, Inc.; Greater El Paso Association of Realtors®; Greater Fort Worth Association of Realtors®, Inc.; Greenwood King Properties II, Inc.; Houston Association of Realtors®, Inc.; Houston Realtors® Information Service, Inc.; Mark Anthony Dimas; MetroTex Association of Realtors®, Inc.; MJHM LLC; Moreland Properties, Inc.; North Texas Real Estate Information Systems, Inc.; Real Agent LLC; RFT Enterprises, Inc.; San Antonio Board of Realtors®, Inc.; Square MB, LLC; Team Burns, LLC d/b/a Monument Realty; Temple-Belton Board of Realtors®, Inc.; Texas Association of Realtors®, Inc.; Turner Mangum LLC; Victoria Area Association of Realtors®, Inc.; and Williamson County Association of Realtors®, Inc. (collectively, the “NAR-Affiliated Defendants”), hereby (a) provide

notice of a pending nationwide class settlement resolving the claims asserted against the NAR-Affiliated Defendants and (b) move to stay proceedings against the NAR-Affiliated Defendants while the approval of this settlement is being considered by another federal district court. Plaintiffs are **unopposed** to the relief requested in this motion.

By way of background, Plaintiffs filed a Consolidated Amended Complaint (“CAC”) in the action on March 15, 2024.¹ The CAC includes a claim under Section 1 of the Sherman Act based generally on allegations that Defendants have engaged in a conspiracy to require sellers of residential property in Texas to pay inflated total commissions and inflated commissions to the brokers or agents representing the buyers in the transactions.

The National Association of Realtors® (“NAR”) entered into a settlement agreement (the “NAR Settlement”) with plaintiffs in *Burnett v. National Association of Realtors*, No. 19-cv-0332 (W.D. Mo.) (“*Burnett*”) which would, upon approval, settle all claims asserted or that could be asserted against NAR by a proposed nationwide class of home sellers. A Motion for Preliminary Approval of the NAR Settlement was granted in the *Burnett* action by the United States District Court for the Western District of Missouri on April 23, 2024 (*Burnett*, ECF No. 1460).

In addition to the claims against NAR, the NAR Settlement would release, on a nationwide basis, all claims against certain persons and entities affiliated with NAR, as defined in the NAR Settlement, including the NAR-Affiliated Defendants. The order preliminarily approving the NAR Settlement temporarily enjoins Plaintiffs from “filing, commencing, prosecuting, intervening in, or pursuing” their claims against NAR or the NAR-Affiliated Defendants pending final approval

¹ The CAC added twelve new defendants, including five defendants that are Realtor® associations. None of these new defendants have made appearances in this action, though some are covered by the release in the NAR settlement that was preliminarily approved in the *Burnett* case. Those new defendants may want to join in this motion once they are served and make appearances in this case.

of the settlement. The district court in the *Burnett* case has scheduled a hearing for November 26, 2024 for final approval of the NAR Settlement.

Accordingly, the NAR-Affiliated Defendants move to stay all deadlines and proceedings as to the NAR-Affiliated Defendants in this case to preserve resources of the parties and the Court until further order of the Court.² Should the requested stay be granted by the Court, the NAR-Affiliated Defendants request that (1) any rulings or judgments that might occur in this case while proceedings are stayed as to the NAR-Affiliated Defendants will not bind the NAR-Affiliated Defendants and will not bind Plaintiffs (with respect to claims by Plaintiffs against the NAR-Affiliated Defendants) and (2) the NAR-Affiliated Defendants and Plaintiffs not be permitted to argue claim or issue preclusion arising from such rulings or judgments. If, for any reason, final approval of the NAR Settlement is not granted, and the NAR-Affiliated Defendants and Plaintiffs are otherwise unable to resolve this action, proceedings in this case will recommence as to the NAR-Affiliated Defendants from the stage at which it was stayed.

Plaintiffs are unopposed to the relief requested in this motion.

DATED: April 30, 2024.

² The Court already has granted a similar Motion to Stay that was filed by Defendant Keller Williams Realty, Inc. and the “Released Keller Williams Defendants,” which also have settled with a proposed nationwide class of home sellers. *See QJ Teams*, ECF Nos. 200, 202. In addition, on April 26, 2024, Defendant HomeServices of America, Inc. and its affiliates, including franchisees, filed a Notice of Pending Settlement and Joint Motion to Stay in the *Burnett* case, which references a nationwide class settlement that would release claims against the HomeServices Defendants. *Burnett*, ECF No. 1462.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I have complied with the meet and confer requirements in Local Rule CV-7(h) and conferred with counsel for Plaintiffs regarding the relief requested herein and they advised me that Plaintiffs are unopposed to this motion.

/s/ Bradley C. Weber

Bradley C. Weber

CERTIFICATE OF SERVICE

Pursuant to Rule 5(d)(1)(B) of the Federal Rules of Civil Procedure, as amended, no certificate of service is necessary because this document is being filed with the court's electronic filing system.